

MB
MAY 8 2002
PRACTITIONER'S DOCKET NO. 01-2267
COPY OF PAPERS
ORIGINALLY FILED

PP/P/H4

Practitioner's Docket No. 01-2267

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: B. G. Kania, et al.

Application No.: 0 10/ 027,394 Group No.: 3761

Filed: 11/02/99

Examiner: Unknown

For: Treatment Devices Providing Targeted Antimicrobial Action

Box Missing Part

Assistant Commissioner for Patents
Washington, D.C. 20231

**COMPLETION OF FILING REQUIREMENTS
— NONPROVISIONAL APPLICATION**

(check and complete this item, if applicable)

I. This replies to the Notice to File Missing Parts of Application (PTO-1533)
mailed 02/22/2002

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., In addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

A copy of the Notice to File Missing Parts of Application—Filing Date Granted (Form PTO-1533) is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office.


Signature

Maria Reichmanis

(type or print name of person certifying)

Date: 04/22/2002

DECLARATION OR OATH

II. No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

NOTE: *If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. § 1.48(f)(1).*

OR

The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: *For surcharge fee for filing declaration after filing date complete item VI(3) below.*

NOTE: *The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. § 1.63:*

"(A) application number (consisting of the series code and the serial number, e.g., 08/123,456);

"(B) serial number and filing date;

"(C) attorney docket number which was on the specification as filed;

"(D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

"(E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."

M.P.E.P. § 601.01(a), 7th Ed.

NOTE: *Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).*

(complete (c) or (d), if applicable)

Attached is a

(c) Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.

(d) Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

AMENDMENT CANCELLING CLAIMS

III. Cancel claims _____ inclusive.

**TRANSMITTAL OF ENGLISH TRANSLATION
Of NON-ENGLISH LANGUAGE PAPERS**

IV. Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

NOTE: For fee processing a non-English application, complete item VI(5) below.

NOTE: A non-English oath or declaration in the form provided by the PTO need not be translated. 37 C.F.R. § 1.69(b).

SMALL ENTITY STATUS

V.

A statement that this filing is by a small entity

(check and complete applicable items)

is attached.

A separate refund request accompanies this paper.

was filed on _____ (original).

COMPLETION FEES

VI.

WARNING: Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. § 1.53.

NOTE: For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. § 1.28(a).

1. Filing fee

original patent application
(37 C.F.R. § 1.16(a)—\$760.00; Small entity—\$380.00) \$ _____

design application
(37 C.F.R. § 1.16(f)—\$310.00; small entity—\$155.00) \$ _____

\$ _____

2. Fees for claims

each independent claim in excess of 3
(37 C.F.R. § 1.16(b)—\$78.00; small entity—\$39.00) \$ _____

each claim in excess of 20
(37 C.F.R. § 1.16(c)—\$18.00; small entity—\$9.00) \$ _____

multiple dependent claim(s)
(37 C.F.R. § 1.16(d)—\$260.00; small entity—\$130.00) \$ _____

(Completion of Filing Requirements — Nonprovisional Application [5-1]—page 3 of 6)

3. Surcharge fees

late payment of filing fee and/or late filing of original declaration or oath
(37 C.F.R. § 1.16(e)—\$130.00; small entity—\$65.00); \$ 65.00

NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.

NOTE: If both the filing fee and declaration or oath were missing from the original papers, the Office practice under § 37 C.F.R. § 1.16(e) is that only one surcharge Fee need be paid whether the later filed oath or declaration and/or the filing fee are submitted afterwards at the same time or at different times.

4. Petition and fee for filing by other than all the inventors or a person not the inventor
(37 C.F.R. §§ 1.17(l) and 1.47—\$130.00) \$ _____

5. Fee for processing an application filed with a specification in a non-English language
(37 C.F.R. §§ 1.17(k) and 1.52(d)—\$130.00) \$ _____

6. Fee for processing and retention of application
(37 C.F.R. §§ 1.21(l) and 1.53(d)—\$130.00) \$ _____

7. Assignment (See "ASSIGNMENT COVER SHEET".)

NOTE: 37 C.F.R. § 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. § 1.53(f) and this, as well as, the changes to 37 C.F.R. §§ 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of § 1.21(l) within 1 year of notification under §1.53(f) must be paid.

Total completion fees \$ 65.00

EXTENSION OF TIME

VII.

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

(a) Applicant petitions\ for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

| Extension (months) | Fee for other than small entity | Fee for small entity |
|---------------------------------------|------------------------------------|-------------------------|
| <input type="checkbox"/> one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> two months | \$ 380.00 | \$ 190.00 |
| <input type="checkbox"/> three months | \$ 870.00 | \$ 435.00 |
| <input type="checkbox"/> four months | \$ 1,360.00 | \$ 680.00 |

Fee: \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for _____ months has already been secured, and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$_____

or

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

VIII.

The total fee due is

Completion fee(s) \$ 65.00

Extension fee (if any) \$ _____

Total Fee Due \$ 65.00

PAYMENT OF FEES

IX.

Enclosed is a check in the amount of \$ 65.00

Charge Account No. _____ in the amount of \$_____
A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).

Please charge Account No. _____ for any fees that may be due by this paper

AUTHORIZATION TO CHARGE ADDITIONAL FEES

X.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. _____

37 C.F.R. § 1.16(a), (f) or (g) (filling fees)

37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- 37 C.F.R. § 1.17(a)(1)–(5) (extension fees pursuant to § 1.136(a))
- 37 C.F.R. § 1.17 (application processing fees)

NOTE: **A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission.** 37 C.F.R. § 1.136(a)(3).

- 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

NOTE: *Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance.* 37 C.F.R. § 1.311(b).

NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee . . ." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.



SIGNATURE OF PRACTITIONER

Reg. No. 37,220

Maria Reichmanis

(type or print name of practitioner)

Tel. No.: (803)641-1900

P.O. Box 3306

P.O. Address

Customer No.

Aiken, SC 29802

Attorney's Docket No. 042257



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: B. G. Kania, et al.
Application No.: 10/027,394 Group No. 3761
Filed: 12/21/2001 Examiner: Unknown
For: Treatment Devices Providing Targeted Antimicrobial Action

Patent No.: Issued:

*NOTE: Insert name(s) of inventor(s) and title also for patent. Where submission is with respect to a maintenance fee payment, also insert application number and filing date, and mark Form Box M. Fee.

Assistant Commissioner for Patents
Washington, D.C. 20231

**SUBMISSION OF VERIFIED STATEMENT(S)
TO ESTABLISH SMALL ENTITY STATUS**

The attached statement is being submitted to establish small entity status in this

application,
 patent,

COPY OF PAPER FILED
ORIGINALLY FILED

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 05/22/2002

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office.

Signature

Maria Reichmanis

(type or print name of person certifying)

by the:

(check all applicable boxes below)

- a. independent inventor(s) 37 CFR 1.9(c) and 1.27(b)
- b. non-inventor supporting claim by another 37 CFR 1.9(c) and 1.27(b)
- c. small business concern 37 CFR 1.9(d) and 1.27(c)
- d. nonprofit organization 37 CFR 1.9(e) and 1.27(d)



SIGNATURE OF ATTORNEY

Reg. No. 37,220

Maria Reichmanis

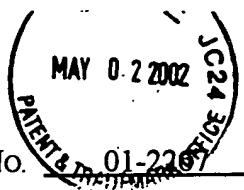
(type or print name of attorney)

Tel. No. (803) 641-1900

P.O. Box 3306

P.O. Address

Aiken, SC 29802



DOCKET No. 01-2267 SERIAL NO. 10/027,394

The date stamp of the Patent Office hereon may be considered as the date on which the papers indicated below were received.

Completion of Filing Requirements
Practitioner's Statement
Statement of Small Entity Status
Declaration & Power of Attorney (3)
Fee (Check No. 1897)
Postcard

COPY OF PAPER
ORIGINALLY FILED

1897

MARIA REICHMANIS
PATENT ATTORNEY
P.O. BOX 3306
AIKEN, SC 29802

67-1/532

DATE April 22, 2002

HE ER OF Commissioner for Patents | \$ 65.00

Sixty-five and 00/100

DOLLARS Security features
include:
Details on back

WACHOVIA

Wachovia Bank, N.A.
Aiken, SC 29801

2267 completion fee

000001897 053200019310000617



MAY 02 2002

JC24

UNITED STATES PATENT AND TRADEMARKS OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/027,394 | 12/21/2001 | B. G. Kania | Q1-2267 |

CONFIRMATION NO. 1151

FORMALITIES LETTER



OC000000007520697

Maria Reichmanis
P.O. Box 3306
Aiken, SC 29802

Date Mailed: 02/22/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The following item(s) appear to have been omitted from the application:

- Figure(s) 8C described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing

COPY OF PAPERS
ORIGINALLY FILED

date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

[Handwritten signatures] ***A copy of this notice MUST be returned with the reply.***

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE